

N.D.A.G. Letter to Hagerty (Dec. 24, 1985)

December 24, 1985

Ms. Gail Hagerty
Burleigh County State's Attorney
514 East Thayer Avenue
Bismarck, North Dakota 58501

Dear Ms. Hagerty:

Thank you for your letter of December 11, 1985, concerning the statutory requirement for the publication of proceedings of the board of county commissioners. Apparently, the Burleigh County commissioners wish an opinion from this office as to whether the report of the proceedings of a board of county commissioners must include roll call votes and individual vouchers. According to your information, such information currently is not being provided in the proceedings report of the Grand Forks County Board of County Commissioners.

North Dakota law, N.D.C.C. §11-11-37, requires the board of county commissioners to publish in the official newspaper of the county a "full and complete report of its official proceedings" no later than 30 days after the meeting in which the report is read and approved. There have been numerous opinions and letters written as to the scope of this particular statute. Copies of those opinions and letters have previously been provided to you. The law has not changed as to the content requirement of such reports of proceedings despite the issuance of these opinions and letters, some of which go back in time to 1946.

In summary, the opinions and letters of this office have not interpreted this section as to require a verbatim report as to what happened at the meeting of the board of county commissioners. Instead, this office has consistently interpreted this statute so as to require the publication of a "fair statement of what transpired at each meeting." 1968-1970 N.D. Op. Att'y Gen. 124 at 125. Specifically, this office has stated that vouchers should not be lumped together and, instead, should be separated so as to give the public specific information as to how its money is being spent and to allow the objection to be made as to the manner in which such monies are being spent. Id.

It is my opinion that the past opinions of this office are accurate and, given the lack of legislative response to the contrary, should be followed at this time. This statute does not require the verbatim report of everything which occurred at the meeting of the board of county commissioners. Instead, a fair statement of that which transpired should occur so as to give the public its needed information as to how its business is being conducted. Vouchers should not be lumped together but, instead, should be reported separately. This information places the public on notice as to the specific manner in which its money is being spent and the opportunity to object to same if it so desires.

The same rationale applies to the noting of roll call votes on particular measures which may occur at the meetings of the board of county commissioners. Unless this information is provided to the public, citizens have no way of knowing how its elected representatives voted on a particular issue unless they were able to personally attend the meetings.

Sincerely,

Nicholas J. Spaeth

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cc: James T. Odegard
Grand Forks County State's Attorney